

Message Text

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SUBJ: NARCOTICS LAWS

REF: STATE 170187

1. SOMALIA SUBSCRIBES TO THE SINGLE CONVENTION OF NARCOTIC DRUGS, 1961, DONE AT NEW YORK ON MARCH 30, 1961.
2. THERE IS NO DIFFERENTIATION MADE IN SOMALI LAW BETWEEN POSSESSION OF CARIOUS NARCOTICS, BE IT MARIJUANA, AMPHETAMINES, OR HEROIN. THERE IS NO QUALIFYING AMOUNT. PENALTIES FOR POSSESSION RANGE FROM 6 MONTHS TO 2 YEARS IN JAIL AND UP TO 20,000 SHILLINGS (DOLS 3232.00) FINE.
3. THERE IS NO DISTINCTION MADE BETWEEN POSSESSION AND TRAFFICKING, AND PENALTIES FOR TRAFFICKING ARE SAME AS FOR POSSESSION.
4. NO DISTINCTION IS MADE IN THE LAW ACCORDING TO THE AMOUNT OF ANY NARCOTICS SUBSTANCE POSSESSED. WHETHER OR NOT A DISTINCTION IS MADE IN PRACTICE IS NOT POSSIBLE TO ASCERTAIN. THERE HAVE BEEN NO FOREIGNERS PROSECUTED FOR DRUG OFFENSES WITHIN RECENT MEMORY. TOURISM, EXCEPT UNDER SPECIAL CIRCUMSTANCES, IS DISCOURAGED IN SOMALIA, AND AS FAR AS WE KNOW, USE OF NARCOTICS IS RARE IN SOMALIA.
5. CULTIVATION OF MARIJUANA AND OTHER PROSCRIBED PLANTS, AND

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REFINING NARCOTIC SUBSTANCES FROM SAME, IS PROHIBITED BY LAW. THE PENALTIES FOR CULTIVATION ARE PURPORTEDLY THE SAME AS FOR POSSESSION, BUT IN AT LEAST ONE CONVICTION A NUMBER OF YEARS AGO, THE PERPETRATOR WAS SENTENCED TO EIGHT YEARS IMPRISONMENT, ACCORDING TO A LOCAL SOURCE.

6. THERE IS NO SPECIFIC LAW ON THE BOOKS RELATING TO FINANCIAL

SUPPORT FOR CULTIVATION. SO FAR AS IS KNOWN TO US, THERE IS VIRTUALLY NO PROBLEM IN SOMALIA REGARDING CULTIVATION AND DOES NOT EXIST.

7. WE HAVE NO INFORMATION REGARDING INVESTIGATIVE DETENTION NOR AVERAGE LENGTH OF TRIAL IN SOMALI PRACTICE. CONSULAR ACCESS WOULD BE PERMITTED IN THE CASE OF SUCH DETENTION. COST-FREE LEGAL COUNSEL IS NOT AVAILABLE, AND THE NUMBER OF LOCAL LAWYERS IS LIMITED. THE USUAL FEE IS NOT POSSIBLE TO ASCERTAIN, AS NO RECENT INCIDENTS HAVE OCCURRED.

9. QAT, A MILD STIMULANT IN COMMON USE IN SOMALIA, IS NOT CONSIDERED A NARCOTIC AND IS THEREFORE LEGAL. BECAUSE GROWING CONDITIONS IN MOST OF SOMALIA ARE NOT PARTICULARLY FAVORABLE, MOST QAT IS IMPORTED FROM THE HIGHLANDS OF ETHIOPIA.

10. IN ONLY ONE SPECIAL CATEGORY OF DRUG OFFENSES IS A DIFFERENTIATION MADE AS TO PENALTY: A DOCTOR WHO PRESCRIBES DRUGS WITHOUT PERMISSION MAY BE IMPRISONED FOR 2 TO 7 YEARS, AND FINED UP TO 20,000 SHILLINGS. A DOCTOR WHO KNOWINGLY ABETS A DRUG ABUSER MAY BE SENTENCED TO 3 TO 10 YEARS IN JAIL AND FINED UP TO 50,000 SHILLINGS (DOLS 8079.00).
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